

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

THE RELIGIOUS SISTERS OF MERCY,
et al.,

Plaintiffs,

v.

No. 3:16-cv-386

THOMAS E. PRICE, M.D., Secretary of
the United States Department of
Health and Human Services,¹ *et al.*,

Defendants.

CATHOLIC BENEFITS ASSOCIATION,
et al.,

Plaintiffs,

v.

No. 3:16-cv-432

THOMAS E. PRICE, M.D., Secretary of
the United States Department of
Health and Human Services,² *et al.*,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO THE
OPERATIVE CATHOLIC BENEFITS ASSOCIATION COMPLAINT**

Defendants respectfully request a ninety-day extension of time to answer or otherwise respond to the operative complaint in *Catholic Benefits Association v. Price* (“CBA”), No. 3:16-

¹ Thomas E. Price, M.D., Secretary of the United States Department of Health and Human Services, “is automatically substituted as a party” for Sylvia Burwell. Fed. R. Civ. P. 25(d).

² Thomas E. Price, M.D., Secretary of the United States Department of Health and Human Services, “is automatically substituted as a party” for Sylvia Burwell. Fed. R. Civ. P. 25(d).

cv-432.³ Counsel for Defendants consulted with counsel for the *CBA* Plaintiffs, who represented that the *CBA* Plaintiffs consent to Defendants' request.

Defendants' answer or other response to the current *CBA* complaint is presently due March 6, 2017. In a conference call with opposing counsel on January 31, 2017, opposing counsel represented that the *CBA* Plaintiffs intended to amend their complaint. To date, no amended complaint has been filed, but opposing counsel has represented that an amended complaint is forthcoming. In addition, the extension Defendants seek—until June 5, 2017—would provide opportunity for new leadership at the Department of Health and Human Services to become familiar with the issues in this case. *See* Order, *Franciscan Alliance v. Price*, No. 7:16-cv-108 (N.D. Tex. Feb. 27, 2017), ECF No. 79 (granting defendants' unopposed motion for extension of time to answer or otherwise respond to the complaint on similar grounds).

Accordingly, Defendants respectfully request that their deadline to answer or otherwise respond to the operative complaint in *Catholic Benefits Alliance* be extended until June 5, 2017.

Dated: March 1, 2017

Respectfully Submitted,

CHAD A. READLER
Acting Assistant Attorney General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

SHEILA M. LIEBER
Deputy Director, Federal Programs Branch

/s/ Adam Grogg
ADAM GROGG
BAILEY W. HEAPS

³ This Court has consolidated *Catholic Benefits Association* with *Religious Sisters of Mercy v. Price* ("RSM"), No. 3:16-cv-386, *see* Order (Jan. 23, 2017), ECF Nos. 18 (*CBA*), 37 (*RSM*), and has granted Defendants' motion for an extension of time to answer the complaint in *RSM* until thirty days after the Court rules on the *RSM* Plaintiffs' preliminary injunction motion, *see* Order (Jan. 5, 2017), ECF No. 25 (*RSM*).

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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2017, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Adam Grogg
ADAM GROGG